

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH(CABN 163973)  
Chief, Criminal Division

W.S. WILSON LEUNG (CABN 190939)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-6758  
FAX: (415) 436-6753

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

JUDITH SOSA,  
a/k/a "J-Dubbs,"  
Defendant.

No. S2-CR-08-0730-WHA

[PROPOSED] ORDER AUTHORIZING  
PRIVATE TESTING OF DRUG EXHIBITS

At the request of the defendant, Judith Sosa, and with the consent of the Government, the Court enters this order authorizing the private testing of certain alleged controlled substances by the defendant.

IT IS HEREBY ORDERED that:

1. The Government shall produce the following exhibits for qualitative analysis and identification of any controlled substance contained therein by a defense expert:

//

//

Exhibit NumberDEA Laboratory Number

1 (discovery bates number 680-682)

7133959

4 (discovery bates number 711-713)

7134743

5 (discovery bates number 723-725)

7134869

6 (discovery bates number 738-740)

7138467

as reported in DEA Form-7, *Report of Drug Property Collected, Purchased, or Seized*, having the Case File No. R3-06-0041, and dated May 24, 2006, June 28, 2006, July 11, 2006, and January 24, 2007.

2. In accordance with Federal Rule of Criminal Procedure 16(a)(1)(E), the Government shall allow the defense to independently inspect and analyze a representative sample from each of the above-listed drug exhibits.

3. A Drug Enforcement Administration ("DEA") Special Agent or Task Force Officer shall deliver the drug exhibits identified above to defense experts Jeffery Zehnder and/or Edwin A. Smith, of Drug Detection Laboratories, Inc., DEA License No. PLO242709, located at 9700 Business Park Drive, Suite 406, Sacramento, California, 95827, with telephone number (916) 366-3113. The DEA Western Laboratory shall arrange the delivery of said representative samples on or before June 4, 2009, to the DEA Special Agent or Task Force Officer for delivery to Jeffery Zehnder and/or Edwin A. Smith, of Drug Detection Laboratories, Inc., at 10:30 am June 4, 2009.

4. A DEA Special Agent or Task Force Officer shall deliver the drug exhibits identified above to the defense experts and shall be present when the defense experts inspect, weigh, and remove a representative sample of the exhibits identified above for analysis. The representative sample shall be in the amount of 500 mg or not more than one-half ( $\frac{1}{2}$ ) the current reserve weight, if less than 1 gram presently remains as the reserve weight, from each of the above-described exhibits. The weight of each representative sample taken shall be documented and signed by the defense experts and provided to the DEA Special Agent or Task Force Officer in attendance. Upon the completion of the sample removal and weighing, the defense experts shall, forthwith, return the remaining above-listed exhibits to the DEA Agent or Task Force

1 Officer in attendance.

2 5. The defense experts shall conduct the qualitative analyses and identification  
3 ordered herein, and shall provide the Government with an *Unsworn Declaration Under Penalty*  
4 *of Perjury*, pursuant to 28 U.S.C. § 1746, executed by the individual who conducted the analyses,  
5 or the head of the facility where the analyses occurred, which states the quantity of each exhibit  
6 consumed during testing, and either the weight of each exhibit returned to the Government, or a  
7 statement that all samples were consumed during testing.

8 6. Any and all remaining material of the samples after testing is to be returned by  
9 Jeffery Zehnder and/or Edwin A. Smith, of Drug Detection Laboratories, Inc., to the DEA  
10 Western Laboratory within five (5) business days after the completion of analyses.

11 IT IS SO ORDERED.

12  
13 DATED: June \_\_\_\_, 2009

14 HON. WILLIAM H. ALSUP  
United States District Judge